

REMARKS

Claims 8-10 are pending. By this Amendment, claim 8 is amended. No new matter is added.

The Office Action rejects claims 8-10 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants have amended the claims to define that the electrostatic capacity is measured from an electrostatic capacitor containing the activated carbon, as suggested by the Examiner. Reconsideration and withdrawal of the rejection of claims 8-10 under 35 U.S.C. § 112, first paragraph, are thus respectively requested.

The Office Action rejects claims 8-10 under 35 U.S.C. § 102(e) as being anticipated by, or under § 103(a) as being obvious over Adachi et al. (U.S. Patent No. 5,430,606).

As Applicants explained in their January 21, 2003, Amendment in response to the September 19, 2002, Office Action, the present claimed invention is patentably distinguishable from Adachi for the reason that Adachi does not teach or suggest forming the activated carbon from a graphitizable carbon. Adachi teaches that coconut shells are the most preferred materials (Col. 1, lines 63-64; Examples 1-6) for use in obtaining the activated carbon. Significantly, carbonaceous materials obtained from coconut shells are non-graphitizing carbon. Accordingly, Adachi is not anticipatory to (nor enabling for) the present claimed activated carbon formed from a graphitizable carbon.

Another distinguishing feature of the present claimed invention is the area rate (A) of the edges faces (e) being at least equal to or greater than 20%. This property is

inherent to the inventive activated carbon, and without which, the invention would be inoperable. Adachi does not teach or suggest this physical property much less a preferred area rate. Accordingly, Adachi is not anticipatory to (nor enabling for) the present claimed activated carbon having an area rate of the edge faces being at least equal to or greater than 20%.

Thus, for at least the above reasons, reconsideration and withdrawal of the rejection of claims 8-10 under 35 U.S.C. § 102(e) are respectively requested.

The Office Action rejects claims 8-10 under 35 U.S.C. § 102(b) or § 103(a) over Sato et al. (JP 10149958 A). This rejection is traversed.

The Office Action asserts that it is held that the claimed product and prior art products are identical or substantially identical, or are produced by identical or substantially identical processes. Regarding the products obtained according to the claimed invention and Sato et al., claim 8 of the application requires that the activated carbon material have an electrostatic capacity density exceeding 80 F/cc. Claim 9 further requires that it be not less than 100 F/cc.

In contrast, Sato et al. teach in Table 1 that the products according to embodiments 1-3 as well as comparative examples 1-2 have the electrostatic capacity density values ranging from 0 to 39 F/cc. These prior art values are far lower than the claimed values and even lower than those of comparative examples disclosed in Table 2 of the subject application. Thus the teachings of Sato et al. are very different from the object of the presently claimed invention to provide an activated carbon having an increased electrostatic capacity density.

Applicants therefore respectfully submit that the claimed product and prior art products are not identical or substantial identical, contrary to the Examiner's assertions.

Secondly, concerning the processes employed for obtaining the products, though the process steps are not recited in claim 8 or claim 9 since the present invention is now directed to the activated carbon, Examples III and IV, which relate to the processes using meso-phase pitch, require conducting an insolubilizing treatment at 320°C for 30 minutes in an open-air atmosphere. Sato et al. do not teach or suggest conducting such insolubilizing treatment prior to carbonizing treatment. Thus, Sato et al. is not enabling for teaching such treatment since it is completely unclear whether and how such treatment is carried out in Sato et al. As long as the insolubilizing treatment is not taught therein with specific values, it cannot be said that the process taught therein is identical or substantially identical to that of the claimed invention.

Moreover, in the case of Example III of the subject application, a water vapor activating treatment is conducted at 950°C for 5 minutes. In Example IV, an alkali activating treatment is conducted at 800°C for 5 hours. These specific values of activating treatment are not mentioned in Sato et al. Thus, Applicants respectfully submit that the claimed product and prior art products are not produced by identical or substantially identical processes, contrary to the Examiner's assertion.

Thus, for at least the above reasons, reconsideration and withdrawal of the rejection of claims 8-10 under 35 U.S.C. § 102(b) or § 103(a) are respectfully requested.

The Office Action rejects claims 8-10 under 35 U.S.C. § 102(e) as being anticipated by, or under § 103(a) as being obvious over Maeda et al. (U.S. Patent No. 6,118,650). This rejection is traversed.

The present claimed invention requires an area rate (A) of the edges faces (e) being at least equal to or greater than 20%. This property is required in the presently claimed activated carbon, and without which, the invention would be inoperable.

Maeda et al. does not teach or suggest this physical property much less a preferred area rate. Accordingly, Maeda et al. is not anticipatory to (nor enabling for) the present claimed activated carbon having an area rate of the edge faces being at least equal to or greater than 20%.

Additionally, Maeda et al. nowhere teach or suggest an activated carbon in the form of a powder. As clearly seen in Fig. 1 of Maeda et al., shows "milled mesophase pitch-based activated carbon fibers prepared in Example 1" (see Maeda column 4, lines 49-52). Thus, contrary to the assertion in the Office Action, Maeda et al. never teach or suggest that carbonized fibers are "pulverized." Maeda et al. never teach or suggest that a powder is ever formed.

In fact, Maeda et al. clearly teach against forming a powder. In particular, Maeda et al. disclose that if "a Henschel mixer, a ball mill and a grinder" are used to mill the fibers, "a pressure is applied in the diameter direction of the fibers, whereby longitudinal cracks often take place in the fiber axis direction. In addition, a long period of time is necessary for the milling. Therefore, these devices are not appropriate milling devices" (see column 7, lines 6-12, emphasis added).

It is important to Maeda et al. that the "fiber length can be controlled by adjusting a rotating number of the rotor, an angle of the blade of the blade, etc.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 8-10 under 35 U.S.C. § 102(e) or under § 103(a) are respectively requested.

Applicants respectfully submit that this application is in condition for allowance.
Favorable consideration and prompt allowance is earnestly solicited.

Should the Examiner believe anything further is necessary in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any additional fees may be charged to Counsel's Deposit Account 01-2300, **referring to client-matter number 107348-00047.**

Respectfully submitted,

A handwritten signature in cursive script, reading "Robert K. Carpenter", written in dark ink.

Robert K. Carpenter
Registration No. 34,794

Customer No. 004372
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810
RKC/tdd